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**JUN 23 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Marc David Levenson :  
Application No. 10/775,312 :  
Filed: February 10, 2004 :  
Attorney Docket No. 903-006A :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2005, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is GRANTED.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on July 8, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the


date of filing of such foreign or international application as provided by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 14, 2005 was mailed April 14, 2005.

Please note, the petition fee (\$750.00), issue fee (\$700.00) and publication fee (\$300.00) will be charged to deposit account 08-2240.

This application is being forwarded to Publications branch.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', followed by a long horizontal flourish.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions/Patent  
United States Patent and Trademark Office

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 08 2005

In re application of: Marc David Levenson et. al.

March 8, 2005

Serial No.: 10/775312

Group No.:

Filed: February 10, 2004

Examiner:

For: Photosensitive material for immersion photolithography

Commissioner of Patents and Trademarks

Washington, D.C. 20231

## PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

The Applicant herewith petitions the Commissioner of Patents and Trademarks to revive the above identified patent application under rule 1.137(b). The entire delay in providing the required notice of rescission from the due date of the notice of rescission until the filing of a grantable petition pursuant to rule 1.137(b) was unintentional.

The application became abandoned on Aug. 23, 2004, when applicant failed to submit a rescission of previous nonpublication request (35 U.S.C. 122(b)(2)(b)(ii)) and Notice of foreign filing (35 U.S.C. 122(b)(2)(b)(iii)). Applicant filed a PCT application in US receiving office on July 8, 2004 (PCT/US 0422592) wherein the invention disclosed in the above identified patent application was disclosed.

A petition fee of \$750 is required. Please charge deposit account number 08/2240. Any deficiency or overpayment with regard to this communication should be charged or credited to deposit account number 08/2240.

03/23/2005 SKELLEY 00000007 082240 10775312

01 FC-2452 750.00 DA

Docket No 903-006A serial No. 10/775312 Inventors Marc David Levenson.  
Photosensitive material for immersion photolithography-Filing date February 10, 2004

PAGE 1/4 \* RCVD AT 3/8/2005 3:09:50 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-1/5 \* DNIS:8729306 \* CSID:9147624126 \* DURATION (mm-ss):01:26

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24295 7590 12/14/2004

Rodney T. Hodgson, Ph.D.  
822 Pines Bridge Rd.  
Ossining, NY 10562

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or legal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

R. HODGSON	(Depositor's name)
R. Hodgson	(Signature)
March 8, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	COMBINATION NO.
10/775,312	02/10/2004	Marc David Levenson	903-006A	8512

TITLE OF INVENTION: PHOTSENSITIVE MATERIAL FOR IMMERSION PHOTOLITHOGRAPHY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	03/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
WALKE, AMANDA C	1752	430-31/000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Rodney T. Hodgson

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 082240 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

R. Hodgson

Date

March 8 2005

Typed or printed name

R T HODGSON

Registration No.

37849

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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